

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

MASHAYILA SAYERS, BRITTNEY TINKER,
JENNIFER MONACHINO, KIMBERLY
MULLINS, HILDA MICHELLE MURPHREE,
and AMANDA JIMENEZ, on behalf of
themselves and all others similarly situated,

Plaintiffs,

v.

ARTSANA USA, INC.,

Defendant.

Case No. 7:21-cv-07933-VB

Hon. Vincent L. Briccetti

USDC SDNY
DOCUMENT
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~~11:00:00 AM~~ SCHEDULING ORDER REGARDING
CLAIMS ADMINISTRATION, CONTEST PROCESS,
AND DATES OF FAIRNESS HEARING AND RELATED BRIEFING

Plaintiffs Mashayila Sayers, Brittney Tinker, Jennifer Monachino, Kimberly Mullins, Hilda Michelle Murphree, and Amanda Jimenez, and Defendant Artsana U.S.A., Inc. (collectively, the “Parties”) state as follows:

WHEREAS, on November 8, 2023, the Court held a hearing on the Motion for Final Approval of the Class Action Settlement (ECF No. 56 (the “Final Approval Motion”)) and deferred consideration of that Motion as well as Plaintiffs’ Motion for Attorneys’ Fees, Costs, Expenses and Incentive Awards (ECF No. 61 (the “Attorneys’ Fees Motion”)) until a later date (*see* ECF No. 98).

WHEREAS, on November 27, 2023, the Court issued an Order regarding the Close of the Claims Period and dates by which the Angeion Group, LLC (“Angeion” or the “Claims Administrator”) would provide counsel with relevant data in a spreadsheet format concerning submitted claims. (ECF No. 101).

WHEREAS, on December 8, 2023, the Court issued an Order denying the Final Approval Motion and Attorneys’ Fees Motion, and set dates for renewal of the prior motions as well as dates for opposition and replies. (ECF. No. 102).

WHEREAS, on February 1, 2024, Angeion submitted a Declaration (ECF No. 106) providing the Court with an update on the progress of the claims validation process indicating it was unable to meet the January 31, 2024 deadline set forth in the Court’s November 27, 2023 Order and estimating that such process could be completed by March 1, 2024.

WHEREAS, on February 7, 2024, the Court granted Angeion an extension of time and Ordered Angeion to provide all counsel with the relevant claims data by March 1, 2024. (ECF No. 107).

WHEREAS, Angeion did not meet the March 1, 2024 deadline, but provided counsel with initial claims data on March 8, 2024, with certain additional claims data on March 12, 2024.

WHEREAS, on March 21, 2024 the Court entered a scheduling Order setting forth deadlines for the filing of Angeion's final affidavit regarding the status of the claims process, the deficiency and rejection-letter-and-appeal process, and the briefing relating to Plaintiffs' renewed Final Approval Motion and Attorneys' Fees Motion. (ECF No. 109).

WHEREAS, the Court has ordered that any objection/contest process, rejection-letter-and-appeal process, or deficiency process take place before the date of the continued Fairness Hearing. (ECF No. 102).

WHEREAS, the Parties have advised the Court that they are conferring regarding certain disputes with respect to the Settlement Administrator's claims determinations and the parameters of the deficiency and/or rejection-letter-and-appeal process;

WHEREAS, given the delay in receiving claims data and the Parties' efforts to resolve their disputes with respect to the Settlement Administrator's claims determinations and the parameters of the deficiency and/or rejection-letter-and-appeal process, Angeion and the Parties require additional time to implement the deficiency and rejection-letter-and-appeal process and for the filing of Angeion's final affidavit regarding the status of the claims process;

WHEREAS, for these same reasons, the Parties agree a short extension of the deadlines for Plaintiffs to file a renewed Final Approval Motion and Attorneys' Fees Motion and for the dates for opposition and replies, as well as an extension of the Fairness Hearing date, is necessary and desirable to give the Parties additional time to resolve their disputes concerning the Settlement Administrator's claims determinations and the parameters of the deficiency and rejection-letter-and-appeal process, to ensure adequate time to complete the deficiency and

rejection-letter-and-appeal process, and to ensure the Parties can accurately report on the status of the claims;

WHEREAS, the Parties stipulate, agree, and request that the schedule be modified as follows.¹

IT IS HEREBY STIPULATED AND AGREED by the Parties, subject to the Court's approval, that—

1. By no later than May 21, 2024, the Parties shall confer regarding disputes concerning the Settlement Administrator's claims determinations and the parameters of the deficiency (if any) and rejection-letter-and-appeal processes, and will inform the Court of the agreed upon processes and/or any remaining disputes.

2. On June 3, 2024, Angeion shall send rejection notices and any agreed-upon deficiency notices, at which point recipients will have until June 17, 2024 to respond (10 business days as specified in ¶ 87 of the Stipulation of Settlement).

3. Between June 18 and June 25, 2024, the Parties shall confer about any appeals from rejection notices and responses to deficiency notices. If the Parties cannot agree on a resolution of the Claimant's appeal contesting the rejection or response to a deficiency notice, Angeion shall assess, in good faith, the validity of the disputed claim, subject to the Court's review.

4. By no later than July 11, 2024, Angeion shall file with the Court a declaration containing (a) the number of submitted claims and products, (b) the number of claims and products it has determined to be valid and the reasons for those determinations, (c) the number of

¹ All capitalized terms in this stipulation that are not otherwise defined have the same meaning as in the Settlement Agreement.

claims and products it has rejected because of fraud and the reason(s) for those determinations, and (d) the number of claims and products it has determined to be invalid (but not necessarily fraudulent) and the reason(s) for the denials, along with an explanation of the results of any appeals from rejection notices and responses to deficiency notices. Angeion shall also note any unresolved objections asserted by the Parties pursuant to paragraph 3 above.

5. By July 18, 2024, Class Counsel shall file a renewed Final Approval Motion and Attorneys' Fees Motion, and shall indicate in the renewed motions whether they are filed jointly with Defendant.

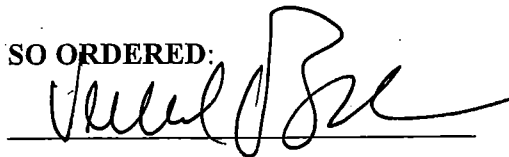
6. By August 1, 2024, Defendant shall file any opposition to the renewed motions.

7. By August 8, 2024, Class Counsel shall file any replies in support of the renewed motions.

8. Subject to the Court's availability, the Parties propose that the Court hold the Fairness Hearing on the renewed Final Approval Motion and Attorneys' Fees Motion on August 28, 2024, at 2:30 p.m.

Dated: 5/8, 2024

SO ORDERED:



Hon. Vincent L. Briccetti
United States District Court Judge